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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,290	01/03/2002	Dennis Hancock		4234

7590 12/20/2002

DENNIS HANCOCK  
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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/035,290

Applicant(s)

HANCOCK ET AL.

Examiner

Jon A Szumny

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3632

This is the second office action for application number 10/035,290, Multiple Use Base Holder System, filed on January 3, 2002.

### ***Claim Objections***

Claim 3 is objected to because of the following informalities:

In the last line, it appears that "base holder" should be --article holder--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claim 4, neither the specification nor the drawings described or showed the system of claim 3 including, a pair of base units connected by connector means, an article holder connected to each of the base units, angular adjusting means of the article holders relative to its respective base unit, **in addition to** article securement means on each of the article holders including **strap means**.

The language in claim 5, ("said article holders each includes article securement means") was previously recited in claim 4, and hence is doubly included.

Regarding claim 6, it is not understood how the article securement means can include a pair of bifurcated arms if in claim 4, the article securement means include strap means.

More specifically, it was never taught in the specification that article securement means include *strap means* could comprise a pair of base units interconnected by a connector. The pair of base units interconnected by a connector was described with respect to the bifurcated arms, not the strap means.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,358,080 to Wolker.

Wolker '080 discloses a system (figures 1-6) comprising a base unit (figure 5) including a platform (figure 5), a means (column 2, lines 63-64) for securing the platform, and an exteriorly splined shaft (figure 5), in addition to an article holder (figure 1) including an interiorly splined socket (figure 1) fitting over and cooperating with the exteriorly splined shaft and bifurcated arms (figure 1) extending from opposite sides of

Art Unit: 3632

the socket; wherein the bifurcated arms each have at least one flexible vane (figure 1) extending inwardly towards an opposite one of the bifurcated arms and towards the socket; wherein the angular relationship of the article holder is adjusted relative to the base unit to which it is secured via the article holder being positioned on the base unit at the desired position of an operator.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolker '080.

Wolker '080 discloses the previous invention wherein the platform of the base unit is secured to a surface, but fails to specifically teach a pair of base units with article holders respectively secured thereto to be interconnected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a pair of base units (inherently being interconnected via the surface) since doing so would be seen as simply a duplication of parts, and would inherently increase the utility of the system. See *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

***Response to Arguments***

Applicant's arguments filed November 18, 2002 have been fully considered but they are not persuasive.

On the top of page 3 of the remarks, the applicant alleges that gripper **straps** 96 and 98 form **bifurcated arms**. The Examiner clearly disagrees. The specification, on page 6, line 16, for instance, clearly recites "Flexible gripper straps 96 and 98," and makes no reference to 96 and 98 being considered "bifurcated arms." Subsequently, page 8, line 15, of the specification makes reference to 138 and 140 being bifurcated arms and **not** straps. Thus, it is clear that the gripper straps and bifurcated arms are distinct features as discussed in the specification.

Continuing, in the middle of page 3 of the remarks, the applicant asserts that Wolker '080 fails to teach "an exteriorly splined shaft or an interiorly threaded splined socket." The Examiner will assume that the applicant intended to recite an "interiorly splined socket," not an "interiorly threaded splined socket." Nevertheless, the Examiner disagrees. In Merriam-Webster's Collegiate Dictionary - 10<sup>th</sup> Edition, a "spline" is defined as "a thin metal strip." So clearly, as indicated by the Examiner, Wolker '080 defines an exteriorly splined shaft and an interiorly splined socket.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "holding against rotation," "rotating together," "operating as single element," etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On the bottom of page 3, the applicant contends that Wolker '080 *does not* teach structure permitting the angular relationship of an article holder to be adjusted relative to its respective base unit via the article holder being positioned on the base unit at a desired position of an operator. The Examiner disagrees. To begin, in claim 3, the applicant claimed "means for adjusting the angular relationship..." not "structure permitting the angular relationship.." as mentioned in the remarks. Continuing, the adjusting means is inherently the interaction of the shaft and the socket; the article holder can be adjusted angularly relative to its base unit.

Finally, on the bottom of page 3 and top of page 4 of the remarks, the applicant contends that the "clip" relative to the "pin" of Wolker '080 cannot be secured. The Examiner disagrees. The "clip" cannot be lifted upwards and off the "pin," so it is in fact interpreted to be "secured."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the




Art Unit: 3632

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

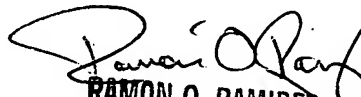
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
December 18, 2002



RAMON O. RAMIREZ  
PRIMARY EXAMINER  
ART UNIT 355 3632